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**IV#2201528**

## VOLUME I



## VOLUME II

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## IAB #IV 2201528

**INTERNAL AFFAIRS BUREAU**
**INVESTIGATIVE SUMMARY**
**IAB #IV2201528**

**Subjects:** **Titel, Joshua [redacted], Deputy Sheriff**
**Richards, Brian [redacted] Deputy Sheriff**
**Correctional Services Division - Inmate Reception Center**

**Date:** **June 24, 2007 (Sunday)**

**Time:** **0100 hours**

**Location:** [redacted]

**Allegations:**

On June 24, 2007, Subjects Joshua Titel and Brian Richards were involved in an incident which resulted in their arrest for felony assault. It is alleged that they violated Manual of Policy and Procedures sections 3-01/030.10 Obedience to Laws, Regulations, and Orders, and 3-01/030.05 General Behavior.

**SYNOPSIS:**

On June 23, 2007, Subjects Titel and Richards attended two social gatherings. One of the gatherings was at the home of Witness Lieutenant [redacted]. The other was at the home of Witness Sergeant [redacted]. Alcoholic beverages were served at both locations. Both Subjects, as well as other guests, consumed alcoholic beverages at each location.

Subjects Titel and Richards left Witness [redacted] home accompanied by Witness [redacted], Witness [redacted] and Witness Lisa Gonzalez. The five individuals drove to Witness [redacted] home in [redacted]. Upon their arrival, Subjects Titel and Richards became involved in a physical altercation with Witness [redacted], who was already at Witness [redacted] home, awaiting her arrival.

> **IAB Note:** Area Map of Witness [redacted] residence is included in this case book. See **Exhibit D**. Photographs of the scene are also included. See **Exhibit E** and the **Miscellaneous Documents** section of this case book.

The altercation caused several residents to telephone the San Dimas Sheriff's Station. Deputies arrived and subsequently wrote a battery report, naming both subjects as

"Victims," and Witness [redacted] as the "Suspect."

**IAB Note:** A copy of the Incident Report is included in this case book. **See Exhibit J, Page 19.** Audio recordings of the telephone calls and radio traffic are also included. See **Exhibit G**.

After additional investigation by the San Dimas Station detectives, it was determined that Witness [redacted] injuries were substantial. The injuries were also inconsistent with what the subjects said they had done during the incident. Based on the additional investigation, it appeared that Subjects Titel and Richards were the aggressors during the incident.

**IAB Note:** Witness [redacted] sustained multiple contusions, bruises, and abrasions to his face, upper torso and legs. Photographs of Witness [redacted] injuries are included in this case book. See **Exhibit F**, and **Exhibit J, Pages 26-31**. Pomona Valley Hospital's Emergency Room Doctor, Matthew Janssen, described Witness [redacted] injuries during his Grand Jury testimony. See **Volume II** of this case book, **Page 262.**

Investigators from the Internal Criminal Investigations Bureau (ICIB) completed the investigation. Both subjects declined to speak with ICIB investigators **(refer to Exhibit J, Pages 13 and 14)**. The investigators submitted their case to the District Attorney's Office for filing consideration regarding an assault by means likely to produce great bodily injury, Penal Code Section 245(a)(1), a felony. The case was subsequently presented by the Justice System Integrity Division of the District Attorney's Office to the Los Angeles County Grand Jury.

**IAB Note:** The Internal Criminal Investigation Bureau's complete case book is included in this report. See **Exhibit J**. The Grand Jury witness transcripts are also included. See **Volume II** of this case book.

On September 23, 2008, the Grand Jury issued an indictment against both subjects for the alleged crime. Both subjects were arraigned on September 30, 2008. On April 23, 2009, both subjects entered a plea of "Guilty" to misdemeanor assault.

**IAB Note:** Certified copies of the court minute orders are included in this case book. See **Exhibits B and C**. Verbatim transcripts of the Plea Hearing are also included, as well as the Plea Agreement Forms. See **Exhibits I and H**.

The Internal Affairs Bureau was requested to complete an administrative investigation regarding the matter.

***This is a summary based on statements given during audio recorded interviews by the subjects and witnesses, and Grand Jury testimonies. For complete and detailed statements refer to the digital audio recorded files and the verbatim transcripts, which are included in this investigation.***

**WITNESSES**

**Rivera, Jaime, Deputy Sheriff [redacted]**

Witness Rivera is a deputy sheriff assigned to the San Dimas Station. He was interviewed on June 27, 2007, by ICIB Sergeant Jim Sully. The interview was digitally audio recorded. Sergeant Sully summarized the interview in a supplementary report included in this case book (**Exhibit J, Page 2)**. For additional information refer to the verbatim transcript of Witness Rivera's Grand Jury testimony (**Volume II, Pages 276-306** ).

**IAB Note:** A copy of the Incident Details (Tag 8) is included in this report. See the **Miscellaneous Documents** section of this case book. Also, Witness Rivera authored the original Incident Report. A copy of that report is included in this case book, see **Exhibit J, Page 19.**

**Tucker, Judd, Deputy Sheriff [redacted]**

Witness Tucker is a deputy sheriff assigned to the San Dimas Station. He was interviewed on June 27, 2007, by ICIB Sergeant Jim Sully. The interview was digitally audio recorded. Sergeant Sully summarized the interview in a supplementary report included in this case book. **Exhibit J, Page 4**. For additional information refer to the verbatim transcript of Witness Tucker's Grand Jury testimony (**Volume II, Pages 245-259**).

**[redacted] MW/32**

Witness [redacted] is a 36 year old male, employed by the [redacted] He was interviewed on June 27, 2007, by ICIB Sergeant Jim Sully. The interview was digitally audio recorded. Sergeant Sully summarized the interview in a supplementary report included in this case book **(Exhibit J, Page 5)**. For additional information refer to the verbatim transcript of Witness [redacted] Grand Jury testimony (**Volume II, Pages 168-204**).

**[redacted], Deputy Sheriff [redacted]**

Witness [redacted] is a deputy sheriff assigned to the Inmate Reception Center. She was interviewed on June 27, 2007, by ICIB Sergeant Jim Sully. The interview was digitally audio recorded. Sergeant Sully summarized the interview in a supplementary report included in this case book (**Exhibit J, Page 6)**. For additional information refer to the

verbatim transcript of Witness [redacted] Grand Jury testimony (**Volume II, Pages 205-243**).

[redacted]

Witness [redacted] resides at [redacted] in the city of [redacted] He is a [redacted] of Witness [redacted]. He was interviewed on June 27, 2007, by ICIB Sergeant Jim Sully. The interview was digitally audio recorded. Sergeant Sully summarized the interview in a supplementary report included in this case book **(Exhibit J, Page 9)**. For additional information refer to the verbatim transcript of Witness [redacted] Grand Jury testimony (**Volume II, Pages 19-39**).

[redacted]

Witness [redacted] resides at [redacted] in the city of [redacted]. He is a [redacted] of Witness [redacted] He was interviewed on June 28, 2007, by ICIB Sergeant Jim Sully. The interview was digitally audio recorded. Sergeant Sully summarized the interview in a supplementary report included in this case book (**Exhibit J, Page 10**). For additional information refer to the verbatim transcript of Witness [redacted] Grand Jury testimony (**Volume II, Pages 41-65**).

[redacted]

Witness [redacted] resides at [redacted] in the city of [redacted]. She is Witness [redacted] and a [redacted] of Witness [redacted]. She was interviewed on June 28, 2007, by ICIB Sergeant Jim Sully. The interview was digitally audio recorded. Sergeant Sully summarized the interview in a supplementary report included in this case book (**Exhibit J, Page 10**). For additional information refer to the verbatim transcript of Witness [redacted] Grand Jury testimony (**Volume II, Pages 66-78**).

**Gonzalez, Liza, Sergeant** [redacted]

Witness Gonzalez is a sergeant assigned to the Norwalk Sheriff's Station. At the time of the incident she was Subject Richards' [redacted]. She was interviewed on July 3, 2007, by ICIB Sergeants Jim Sully and Susan Vaziri. The interview was digitally audio recorded. Sergeant Sully summarized the interview in a supplementary report included in this case book (**Exhibit J, Page 12**). For additional information refer to the verbatim transcript of Witness Gonzalez' Grand Jury testimony (**Volume II, Pages 410-414 and 441-544**).

**IAB Note:** A Compact Disk, containing a surveillance camera recording from the "Circle K" store, is included in this case book. See **Exhibit M**. Witness Gonzalez and Witness [redacted] are seen in the recording, entering the "Circle K," and making a purchase.

**[redacted] Deputy Sheriff [redacted]**

Witness [redacted] is a deputy sheriff assigned to the Inmate Reception Center. She was interviewed on July 3, 2007, by ICIB Sergeants Jim Sully and Susan Vaziri. The interview was digitally audio recorded. Sergeant Sully summarized the interview in a supplementary report included in this case book (**Exhibit J, Page 13**). For additional information refer to the verbatim transcript of Witness [redacted] Grand Jury testimony (**Volume II, 404-408 and 545-603**).

[redacted]

Witness [redacted] is a [redacted] year old male who resides at [redacted]. He is a [redacted] of Witness [redacted] He was interviewed on July 11, 2007, by ICIB Sergeant Jim Sully. The interview was digitally audio recorded. Sergeant Sully summarized the interview in a supplementary report included in this case book (**Exhibit J, Page 15**). For additional information refer to the verbatim transcript of Witness [redacted] Grand Jury testimony (**Volume II, Pages 98-112**).

[redacted]

Witness [redacted] resides at [redacted] She is Witness [redacted], and a [redacted] of Witness [redacted]. She was interviewed on July 11, 2007, by ICIB Sergeant Jim Sully. The interview was digitally audio recorded. Sergeant Sully summarized the interview in a supplementary report included in this case book (**Exhibit J, Page 16**). For additional information refer to the verbatim transcript of Witness [redacted] Grand Jury testimony (**Volume II, Pages 113-119**).

**[redacted] Lieutenant [redacted]**

Witness [redacted] is a captain assigned to the [redacted] At the time of the incident she was a lieutenant assigned to the Inmate Reception Center. She was interviewed on January 18, 2008, by ICIB Sergeant Jim Sully. The interview was digitally audio recorded. Sergeant Sully summarized the interview in a supplementary report included in this case book (**Exhibit L**). For additional information refer to the verbatim transcript of Witness [redacted] Grand Jury testimony (**Volume II, Pages 133-150**).

**[redacted] Sergeant [redacted]**

Witness [redacted] is a sergeant assigned to the Inmate Reception Center. She was interviewed on January 31, 2008, by ICIB Sergeant Jim Sully. The interview was digitally audio recorded. Sergeant Sully summarized the interview in a supplementary report included in this case book (**Exhibit K**). For additional information refer to the verbatim

transcript of Witness [redacted] Grand Jury testimony (**Volume II, Pages 151-165**).

**IAB Note:** In addition to those interviewed by Sheriff's Department investigators, other witnesses testified before the Grand Jury and their testimony is located in **Volume II** of this case book.

**SUBJECT INTERVIEWS**

**Richards, Brian, Deputy Sheriff** [redacted]

Subject Richards was interviewed by Internal Affairs Bureau Sergeants Carlos Flores and Eric Strong on July 16, 2009, at 1015 hours. The interview was conducted at the Internal Affairs Bureau and was digitally audio recorded. Subject Richards was represented by Green and Shinee Attorney Liz Gibbons. For additional information, refer to Subject Richards' verbatim interview transcript in this case book.

**IAB Note:** During his interview Subject Richards was shown several photographs. The photographs are included in this case book. See the **Miscellaneous Documents** section of this case book.

**Titel, Joshua, Deputy Sheriff** [redacted]

Subject Titel was interviewed by Internal Affairs Bureau Sergeants Carlos Flores and Eric Strong on July 21, 2009, at 1005 hours. The interview was conducted at the Internal Affairs Bureau and was digitally audio recorded. Subject Titel was represented by Green and Shinee Attorney Liz Gibbons. For additional information, refer to Subject Titel's verbatim interview transcript in this case book.

**IAB Note:** During his interview Subject Titel was shown several photographs. The photographs are included in this case book. See the **Miscellaneous Documents** section of this case book.

# SHERIFF'S DEPARTMENT
## Internal Affairs Bureau

# Case Addendum

| | |
|---|---|
| **UNIT:** | **Norwalk Station** |
| **DATE:** | **June 24, 2007** |
| **SUBJECTS:** | **Liza Gonzalez #**[redacted] |
| **LOCATION:** | [redacted] |
| **IAB#:** | **IV 2201528** |

The initial Internal Affairs Bureau investigation case book regarding the investigation of an incident which occurred on June 24, 2007, involving Subjects Joshua Titel and Brian Richards, was approved in August 2009. The case book was sent to the subjects' unit of assignment, the Inmate Reception Center, for review and disposition by their unit commander. Because Norwalk Station Sergeant Liza Gonzalez was referenced in the investigation, a copy of the case book was also sent to her unit commander, Captain Patrick Maxwell.

On October 1, 2009, Captain Maxwell submitted an Office Correspondence requesting that Sergeant Gonzalez be added as a subject to the administrative investigation. The Office Correspondence cited the following sections of the Manual of Policy and Procedures as having been potentially violated: 3-01/030.05, General Behavior; 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations; 3-01/040.85, Cooperation During Criminal Investigation; and 3-01/040.90 Reporting Information.

**IAB Note:** On November 26, 2008, Subject Gonzalez signed an "Employee's Waiver of Time," thus waiving the one-year time period set forth in California Government Code Section 3304. See the **Miscellaneous Documents** section of this case book addendum. The waiver states that time would toll pending adjudication of the criminal investigation. The criminal case was adjudicated on April 21, 2009, thus the one-year statute date as it pertains to Subject Gonzalez is April 20, 2010.

## WITNESS

**Bolanos, Joe, Sergeant #[redacted]**

Witness Bolanos is a sergeant assigned to the San Dimas Station. He was interviewed on July 3, 2007, at 1757 hours, by Internal Criminal Investigations Bureau (ICIB) Sergeant Jim Sully. The interview was conducted at the San Dimas Station and was digitally audio recorded. Witness Bolanos was asked questions pertaining to a telephone call he received from Subject Gonzalez during the EM Shift of June 25, 2007.

> **IAB Note:** On June 25, 2007, EM Shift, Witness Bolanos worked as the San Dimas Station Watch Commander/Watch Sergeant. The San Dimas In-Service Sheet for that date and shift is included in this addendum. See **Exhibit O**.

Witness Bolanos said that he received a telephone call from Subject Gonzalez, who identified herself as the Norwalk Station Watch Commander. He said she requested a copy of the Incident Report associated with the incident involving Subjects Titel and Richards.

> **IAB Note:** On June 25, 2007, EM Shift, Subject Gonzalez worked as the Norwalk Station Watch Commander/Watch Sergeant. The Norwalk In-Service Sheet for that date and shift is included in this addendum. See **Exhibit N**. A Compact Disk containing an audio recording of Subject Gonzalez' telephone call to Witness Bolanos is included in this addendum. The transcript of the conversation is also included. See **Exhibit P**.

For Witness Bolanos' complete statement, refer to the verbatim transcript included in this addendum. Witness Bolanos also testified at the Grand Jury. Refer to **Volume II, page 121**, in the initial case book for Witness Bolanos' Grand Jury testimony.

## SUBJECT INTERVIEW

**Gonzalez, Liza, Sergeant #[redacted]**

Subject Gonzalez was interviewed by Internal Affairs Bureau Sergeants Carlos Flores and Eric Strong on November 16, 2009, at 1000 hours. The interview was conducted at the Internal Affairs Bureau and was digitally audio recorded. Subject Gonzalez was represented by Green and Shinee Attorney Liz Gibbons.

For Sergeant Gonzalez' complete statement, refer to Subject Gonzalez' verbatim interview transcript, included in this addendum.


**IAB Note:** In addition to Subject Gonzalez, the Internal Affairs Bureau attempted to interview Deputy [redacted] On November 26, 2009, Deputy [redacted] now assigned to Century Station, was involved in an on-duty traffic collision. As a result of the collision, Deputy [redacted] sustained injuries which have prevented her return to work. Due to her injured-on-duty status, she was not available for an administrative investigation interview as of February 1, 2010.

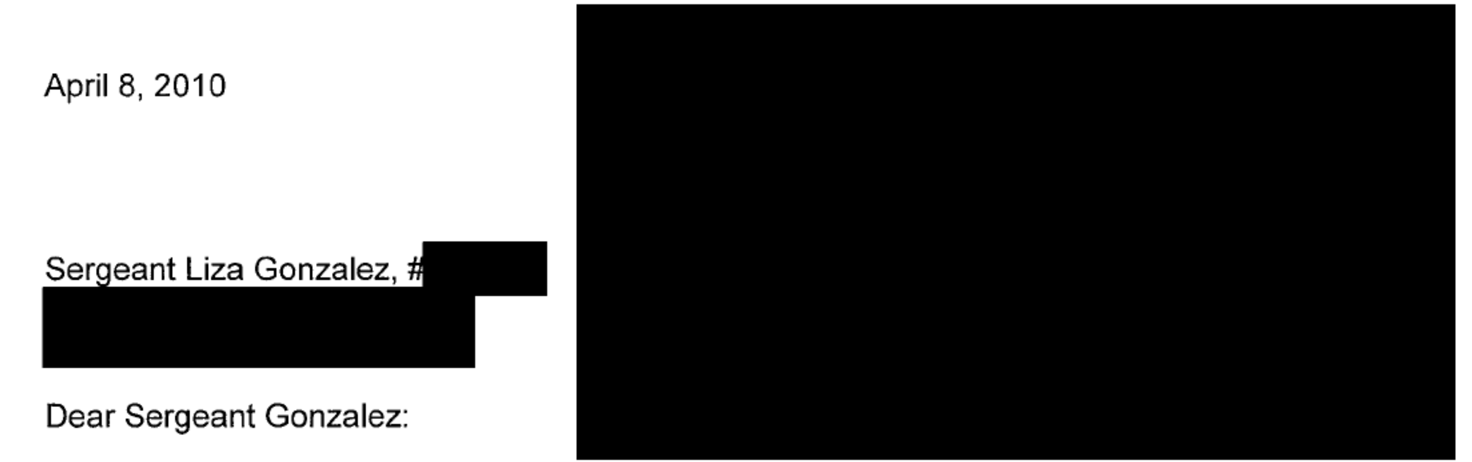


Leroy D. Baca, Sheriff

# County of Los Angeles
## Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169





[redacted]

April 8, 2010

Sergeant Liza Gonzalez, #[redacted]
[redacted]

Dear Sergeant Gonzalez:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Sergeant, Item No.2717A, with this Department, effective the close of business April 29, 2010.

An investigation under File Number IAB 2201528, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statement during Departmental Internal Investigation, on or about November 16, 2009, you made false statements to investigators conducting Internal Affairs Investigation Number IV 2201528 in which you denied being present during a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel on June 24, 2007, in the city of [redacted]

2. That in violation of Manual of Policy and Procedures Section 3-01/040.85, Cooperation During Criminal Investigation, on or about July 3, 2007 and April 7, 2008, you failed to cooperate with investigators from the Internal Criminal Investigations Bureau (ICIB) when you made false statements in which you denied being present during a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel that occurred in the city of [redacted] on June 24, 2007. That assault was documented and investigated by ICIB under file number 407-00020-2003-441.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.85, Cooperation During Criminal Investigation, on or about September 19, 2008, you provided false testimony to The Grand Jury of the County of Los Angeles when you testified under oath that you were not present on [redacted] in the city of [redacted] during a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel on June 24, 2007.

4. That in violation of Manual of Policy and Procedures Section 3-01/040.90, Reporting Information, on or about June 24, 2007, you failed to report to the Department information regarding a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel on [redacted] in the city of [redacted] on June 24, 2007.

5. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, you failed to perform the expectations of a supervisor when you failed to report your presence at the location of a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel that occurred in the city of [redacted] on June 24, 2007, and did not report that you were a witness to a felony assault involving off-duty Department personnel.

6. That in violation of Manual of Policy and Procedures Section 3-01/030.05, General Behavior, on or about September 19, 2008, you brought discredit to yourself and the Sheriff's Department when you provided false testimony to The Grand Jury of the County of Los Angeles when you testified under oath that you were not present on [redacted] in the city of [redacted] during a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel on June 24, 2007.

7. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders, on or about September 19, 2008, you provided false testimony to The Grand Jury of the County of Los Angeles when you testified under oath that you were not present on [redacted] in the city of [redacted] during a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel on June 24, 2007, in violation of several Department policies.

8. That in violation of Manual of Policy and Procedures Section 3-

01/030.37, Unnecessary/Inappropriate Interference in an Investigation, on or about June 25, 2007, you, as the Norwalk Station Watch Commander, tried four times to obtain a copy of [redacted] Station Complaint Report #107-03613-0813-144, interjecting yourself in a matter that was not privy to Norwalk Station personnel.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Thomas Laing on April 27, 2010, at 1100 hours, in his office, which is located at Sheriff's Headquarters, 4700 Ramona Blvd, Monterey Park, CA 91754, Room 423. If you are unable to appear at the scheduled time and wish to schedule some other time prior to April 27, 2010, for your oral response, please call Chief Laing's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Laing's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Laing's office by no later than April 27, 2010.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Karyn Mannis

Karyn Mannis, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

KM:cj

c: Advocacy Unit
Employee Relations Unit
Chief Thomas Laing, Field Operations Region III
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2201528)



# CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES



cmm

February 1, 2012

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **LIZA GONZALEZ** for a hearing on her **discharge**, effective May 6, 2010, from the position of Sergeant, Sheriff's Department,* **Case No. 10-159**.

The Civil Service Commission, at its meeting held on January 25, 2012, approved findings in the above-entitled case. The objections submitted were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure, as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

c: Liza Gonzalez
Melanie C. Smith
Catherine M. Mathers
Irene Ayala

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

| | |
|---|---|
| In the matter of the **discharge**, effective May 6, 2010, from the position of Sergeant, Sheriff's Department, of<br><br>**LIZA GONZALEZ**<br>**(Case No. 10-159)** | ORDER OF THE CIVIL SERVICE COMMISSION |

On January 25, 2012, the Civil Service Commission of the County of Los Angeles, having read the foregoing Findings of Fact, and good cause appearing therefor, overruled the petitioner's objections. The Commission adopted as its final decision, the findings and recommendation of the Hearing Officer, Irene Ayala, to sustain the Department. Commissioners Felton and Martinez dissented.

Dated this 1st day of February 1, 2012.

Dissented — EVELYN V. MARTINEZ, President

LYNN ADKINS, Member

Dissented — VANGE FELTON, Member

CAROL FOX, Member

Z. GREG KAHWAJIAN, Member

LOS ANGELES COUNTY

CIVIL SERVICE COMMISSION

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| | | |
|---|---|---|
| In the Matter of<br><br>LIZA GONZALEZ,<br><br>Appellant,<br><br>Vs.<br><br>LOS ANGELES COUNTY SHERIFF'S DEPARTMENT,<br><br>Respondent. | ) | Case No. 10-159<br><br>FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED DECISION |

**INTRODUCTION**

The hearings in the above matter were held on December 2, 2010, January 7, 2011, March 31, 2011, and April 13, 2011 concerning the appeal by LIZA GONZALEZ ("Appellant") of her discharge from the position of Sergeant with the Los Angeles County Sheriff's Department ("Respondent").

Respondent maintained Appellant's discharge was justified because she made false statements during Respondent's investigations and during grand jury proceedings of an off-duty assault of [redacted] committed on June 24, 2007 by deputies Brian Richards ("Richards") and Joshua Titel ("Titel"). It is also alleged Appellant violated Respondent's policies and procedures when she failed to report information about the incident to her superiors, and inappropriately attempted to obtain a complaint report of the incident from the San Dimas Sheriff's Station.

Appellant denied the allegations and argued the discharge was unjustified. Appellant also asserted the charges against her are barred by the statute of limitations pursuant to Government Code Section 3304(d).

Respondent was represented by Catherine M. Mathers, Attorney at Law. Appellant was represented by Michael P. Stone and Melanie C. Smith, Attorneys at Law.

## ISSUES

The parties stipulated that the issues in this matter are the following:

1. Are the allegations contained in Respondent's letter of May 4, 2010 true?
2. If any or all of the allegations are true, is the discipline appropriate?
3. Are the allegations contained in Respondent's letter of May 4, 2010 barred by the provisions of Government Code Section 3304(d)?

## STATEMENT OF FACTS

Appellant began her employment with Respondent on April 12, 1995. At the time of her discharge, she held the position of Sergeant and was assigned to the Norwalk Sheriff's Station.

On Saturday, June 23, 2007, Appellant attended several social gatherings at the homes of Lieutenant [redacted] and Sergeant [redacted] Appellant attended those gatherings with her boyfriend, Deputy Brian Richards ("Richards") and Deputies [redacted] Joshua Titel ("Titel") and [redacted] [redacted] and Titel were also in a dating relationship. Appellant had a casual social relationship with Titel, [redacted] and [redacted] because they worked with Richards at the Inmate Reception Center ("IRC").

The first gathering they attended was at the home of [redacted] where they all drank alcoholic beverages. They remained at the residence from approximately 1:00 p.m. to 7:00 p.m. The group then drove to the residence of [redacted] in [redacted] where they continued drinking alcoholic beverages.

They left the residence shortly after midnight on June 24, 2007 to go to [redacted] residence on [redacted] in [redacted] Because he was the least intoxicated, Richards drove [redacted] automobile with Titel, [redacted] and [redacted] as his passengers. Appellant followed them in her own automobile, a gray Honda Accord. [redacted] was at [redacted] residence when they arrived. [redacted] is a [redacted] who was off-duty. He and [redacted] had a [redacted] over a [redacted] period and he was the [redacted] of her [redacted] Shortly after they arrived, Richards and Titel became involved in a violent assault of [redacted] Deputy Sheriffs from the San Dimas Station arrived at the scene at 1:09 a.m. in response to several 911 calls from [redacted] Videotape at a

Circle K store one mile from [redacted] residence showed Appellant and [redacted] arrived at the store's location at 1:18 a.m.

The next day, while on duty as the Watch Commander at the Norwalk Station, Appellant called the San Dimas Station requesting an incident report of the assault of [redacted] She made a total of four attempts to obtain the report, but was unsuccessful.

Appellant denied she was present at the scene during Respondent's investigation of the incident conducted by the Internal Criminal Investigation Bureau ("ICIB") and the Internal Affairs Bureau ("IAB"), and persisted in that denial during her testimony, under oath, at the subsequent grand jury proceedings conducted by the District Attorney's office regarding the conduct of Titel and Richards.

Respondent's investigation included interviews of [redacted], [redacted] Titel, Richards, and several neighbors who heard or observed the assault as it took place.

Formal felony assault charges were filed against Titel and Richards in Los Angeles Superior Court. Both deputies entered guilty pleas on April 23, 2009. Titel pled guilty to misdemeanor assault by means likely to produce great bodily injury, and Richards pled guilty to misdemeanor battery. In addition to criminal charges, Titel and Richards were discharged from the Department. However, they entered into settlement agreements with Respondent in which Titel was demoted from a Deputy Sheriff to a Custody Assistant position, and Richards received a suspension of 30 days.

[redacted]

[redacted] was interviewed by Sgt. Sully for the ICIB investigation. At the time of the incident, he was a [redacted] with the [redacted] He confirmed he [redacted] off and on for about [redacted] and they had a [redacted] He knew [redacted] was with [redacted] on June 23, 2007. He had tentative plans to meet her late that evening. He arrived at about 1:00 a.m. on June 24, 2007 and waited for her outside her residence.

At about 1:15 or 1:20 a.m. she called him and said, "These guys, they're looking for you. They're driving as fast as they can. They're blowing off stop signs. I hope you're not at my house right now." He decided not to leave and remained standing by his truck that was parked near her residence.

When [redacted] car arrived, Richards and Titel both jumped out of their car, ran toward him, and began striking him. They slammed his head so hard against his truck it made a dent in it. He recalled being held on the ground with someone repeatedly striking him in the back of his head. The attack continued until he lost consciousness. He did recall [redacted] being around him. He was taken by paramedics to Pomona Valley Hospital for evaluation and treatment of his injuries. He remained off work for approximately six weeks due to his injuries.

During his grand jury testimony, [redacted] indicated he did not see anyone, other than [redacted] Titel, and Richards get out of [redacted] automobile. He was asked if another woman pulled [redacted] away from him during the assault. He responded, "I don't know." (Ex. 54, p. 203)

**Matthew Janssen, M.D.**

Dr. Janssen was the emergency room physician who evaluated [redacted] at Pomona Valley Hospital following the incident. The doctor testified before the grand jury that [redacted] had bruising all over his face and he was covered in blood. It was obvious to the doctor [redacted] had been beaten. In addition to the bruises on his face, he had a swollen eye, bruises on his arm, abrasions on his knees, and abrasions on his upper chest. [redacted] reported to the doctor he had been kicked and was experiencing pain in his head and face. The doctor did not consider [redacted] injuries trivial and indicated it would take some period of time for him to recuperate. (Ex. 57)

**Joshua Titel**

Titel testified at the hearing that when they arrived at [redacted] residence he took items out of her automobile and walked to where his own automobile was parked nearby. As he was trying to get into his automobile he was unexpectedly struck by [redacted] and a fight ensued. He described himself as extremely intoxicated and "in a rage." He recalled kicking [redacted] and at some point their fight turned into a beating of [redacted] He denied initiating the assault against [redacted] and initially told investigators from Internal Affairs he was defending himself against [redacted] attack. At the appeal hearing, he confirmed he lied about acting in self-defense.

Titel indicated he had been charged with a felony for the assault prior to his interview with Internal Affairs. He confirmed he intentionally lied to the investigator about his role in the incident. He recalled seeing Appellant arrive at the scene of the fight, but did not know when she left.

During the IAB interview conducted by Sgt. Carlos Flores on July 21, 2009, Titel confirmed Richards, [redacted] and he drove together to [redacted] residence on the day of the incident and arrived at approximately 1:00 a.m. on June 24th.

During that interview, Titel told Sgt. Flores when they arrived at [redacted] residence Richards told [redacted] to get into Appellant's automobile so she could go to Appellant's residence. Titel relayed to the investigator he was at his automobile when [redacted] struck him and he fell to the ground. Titel described an attack that portrayed [redacted] as the aggressor. Titel confirmed he heard [redacted] screaming, "That's my baby's daddy." He also confirmed she somehow got involved in their physical altercation. (Ex. 19, p. 20, 21) He was asked if [redacted] became involved in an altercation with the other two females that were present ([redacted] and Appellant). Titel replied, "Not to my knowledge, sir. As far as I know they left and everything was good." (Ex. 19, p. 32) He also indicated [redacted] "fell across all three of us..." He denied striking her during his fight with [redacted] He also denied Appellant and [redacted] were present during the incident. (Ex. 19, p. 37) He saw Appellant drive away from the location less than one minute before the fight began. (Ex. 19, p. 38)

He and Richards gave their version of the incident to Deputy Sheriffs who responded to 911 calls from neighbors. Those deputies drove them to Appellant's residence. According to Titel, Richards described the incident to Appellant and she told them they had to report it. Richards did call their Sergeant at I.R.C. while in Appellant's home.

Titel stated Appellant may have mentioned to them that they would want a copy of the incident report available when they reported it to their own superiors.

**Brian Richards**

Sgt. Flores interviewed Richards about the incident on July 16, 2009. Richards recalled Titel and [redacted] were yelling at each other on the drive to [redacted] residence. When they arrived at [redacted] home, he exited the automobile and approached Appellant's vehicle to tell her there was a

change in plans. She was to take [redacted] back to Appellant's residence. [redacted] got out of [redacted] automobile, entered Appellant's automobile, and Appellant drove away. As he walked to Titel's parked automobile, [redacted] charged Titel and struck him. A fight ensued with all three men. No one other than [redacted] was present. (Ex. 20, p. 20) [redacted] became involved in the altercation just before the patrol deputies arrived at the location. (Ex. 20, p. 22) Richards insisted [redacted] was the aggressor, and he and Titel were defending themselves. When he and Titel arrived at Appellant's residence she advised him to call his work and report the incident.

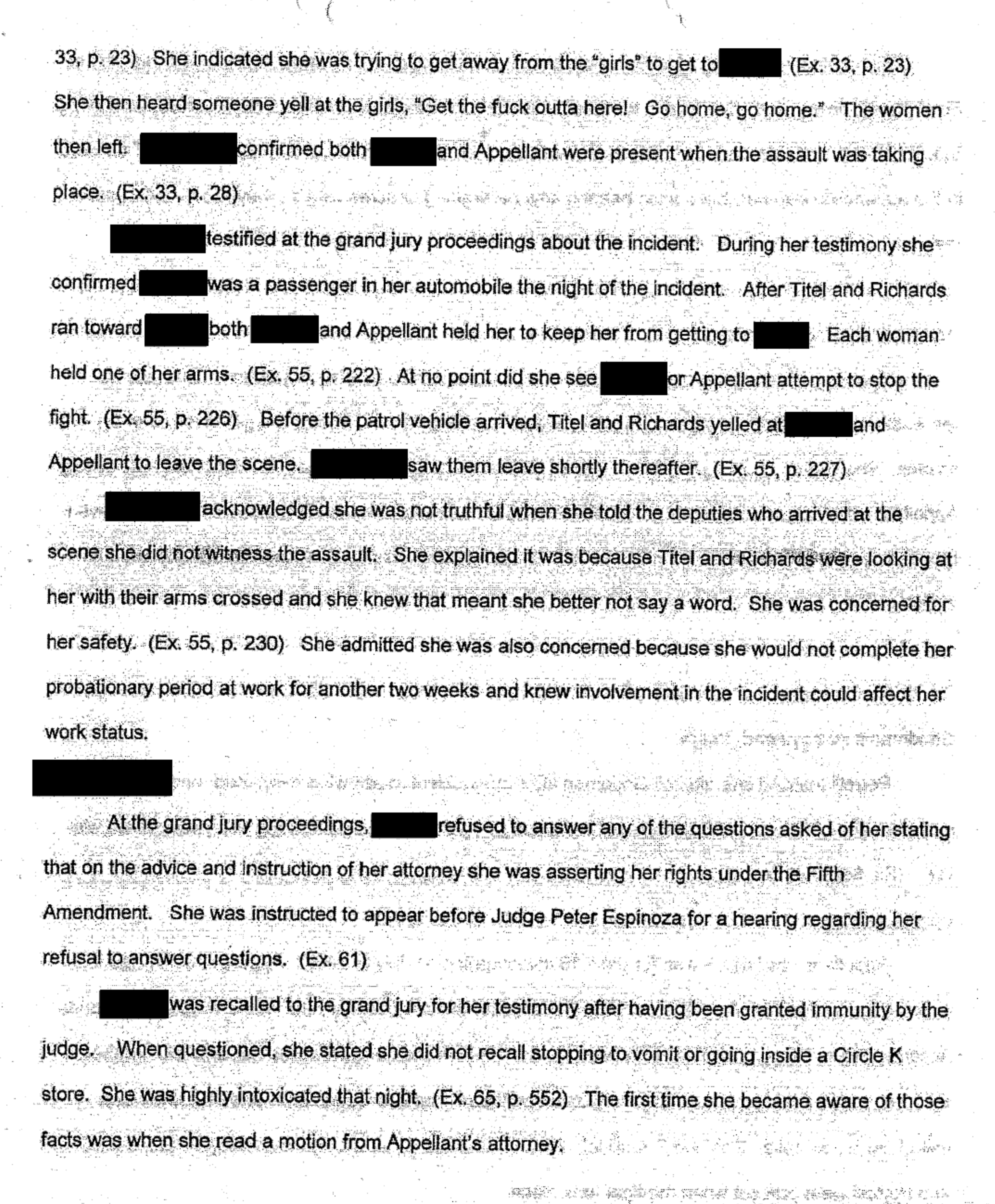
[redacted]

[redacted] was interviewed by Sgt. Sully for the ICIB investigation on July 11, 2007. She stated she had two telephone conversations with [redacted] before she and the others arrived at her residence. During the second call she told him, "I hope you're not at my house. We're on our way there." When Titel became aware [redacted] would be at her home, he told Richards to get him to her place quickly. She stated Richards drove 100 miles an hour through every stop light and stop sign. (Ex. 33, p. 3)

She recalled Titel and Richards immediately ran toward [redacted] when they got to her residence. Titel and Richards pulled [redacted] from his truck and slammed his head into the side of the truck. Titel and Richards then began kicking and beating [redacted] She stated she was not able to reach [redacted] because [redacted] was holding her back and Appellant was standing next to her. Both Appellant and [redacted] held her back. (Ex. 33, p. 5) At some point, she did reach [redacted] and got on top of him to protect him as Richards and Titel continued to kick him while he was on the ground. The two men stopped and they went to where the two women were standing. Richards yelled at them to "get the fuck out of here." (Ex. 33, p. 6) Appellant left just as a patrol car, fire engine and ambulance were arriving. (Tran. 1-7-11, p. 98)

She has had no contact with Appellant since the incident. [redacted] did call her after the incident and told her she did not want to be involved and not to say she was present during the fight.

A second interview by Sgt. Sully took place on July 27, 2007. At that time, she again described [redacted] beating, and also confirmed [redacted] held her back as she was trying to run to help [redacted] told her, "[redacted] don't. Whatever's going to happen, let it be. Let them do what they got to do." (Ex.



33, p. 23) She indicated she was trying to get away from the "girls" to get to [redacted] (Ex. 33, p. 23) She then heard someone yell at the girls, "Get the fuck outta here! Go home, go home." The women then left. [redacted] confirmed both [redacted] and Appellant were present when the assault was taking place. (Ex. 33, p. 28)

[redacted] testified at the grand jury proceedings about the incident. During her testimony she confirmed [redacted] was a passenger in her automobile the night of the incident. After Titel and Richards ran toward [redacted] both [redacted] and Appellant held her to keep her from getting to [redacted] Each woman held one of her arms. (Ex. 55, p. 222) At no point did she see [redacted] or Appellant attempt to stop the fight. (Ex. 55, p. 226) Before the patrol vehicle arrived, Titel and Richards yelled at [redacted] and Appellant to leave the scene. [redacted] saw them leave shortly thereafter. (Ex. 55, p. 227)

[redacted] acknowledged she was not truthful when she told the deputies who arrived at the scene she did not witness the assault. She explained it was because Titel and Richards were looking at her with their arms crossed and she knew that meant she better not say a word. She was concerned for her safety. (Ex. 55, p. 230) She admitted she was also concerned because she would not complete her probationary period at work for another two weeks and knew involvement in the incident could affect her work status.

[redacted]

At the grand jury proceedings, [redacted] refused to answer any of the questions asked of her stating that on the advice and instruction of her attorney she was asserting her rights under the Fifth Amendment. She was instructed to appear before Judge Peter Espinoza for a hearing regarding her refusal to answer questions. (Ex. 61)

[redacted] was recalled to the grand jury for her testimony after having been granted immunity by the judge. When questioned, she stated she did not recall stopping to vomit or going inside a Circle K store. She was highly intoxicated that night. (Ex. 65, p. 552) The first time she became aware of those facts was when she read a motion from Appellant's attorney.

She confirmed drinking alcohol at both social gatherings prior to going to [redacted]residence. She became so intoxicated she went to sleep in [redacted]automobile. She did not remember leaving Sgt. [redacted]residence, or arriving at [redacted]residence. She recalled [redacted]and Titel were in the automobile with her, but denied hearing anyone arguing or screaming as they drove to [redacted] residence. She did awaken at the residence when Richards yelled at her and told her to go with Appellant. She did not recall seeing where Titel or [redacted]were located at that time. Appellant was inside her automobile waiting for her.

She denied seeing any patrol cars, a fire truck, and denied hearing any sirens. She had no recollection of holding [redacted] arm at the scene, or telling her she should not get involved in the assault. She denied recalling any of the events of the actual fight with Paige. She did not recall having Appellant stop for her to vomit, or going to the Circle K store after they left [redacted]residence, even though she saw the videotape from the Circle K showing her awake and walking without any need for assistance.

[redacted]testified she first learned of the assault later the morning of June 24th from Titel and Richards. She denied either Richards or Titel gave her facts about the assault other than it involved [redacted] Paige.

[redacted]testified she did call [redacted]after the incident to ask what happened, and that her response was, "You know what happened. I'm not going down alone. I'm taking everybody down with me." (Ex. 65, p. 581)

**Liza Gonzalez**

Appellant was interviewed for the ICIB investigation on July 3, 2007. Appellant confirmed she was in her car alone as she followed Richards to [redacted]esidence. She was driving a gray Honda Accord. After they arrived, [redacted]got into her car when Richards approached her and told her there was a change of plans because of an argument between Titel and [redacted] She said she never exited her automobile. She and [redacted]left, but later learned about the fight with [redacted] She denied she and [redacted]were present when the fight took place.

After she left [redacted] location, she stopped at a Circle K located at Walnut and Bonita, then drove to her residence. About 30 minutes later, Richards and Titel arrived at her residence and told her what happened. They contacted their Watch Commander to report the incident.

She went to work the next day. She told the ICIB investigator that although she was not involved and was not a witness, she felt she should report the matter to her own Captain. She also felt she should obtain a copy of the incident report prepared by the San Dimas deputies who responded to the 911 calls. She planned to provide that report to her superior, Captain Maxwell. She contacted the San Dimas station several times in an attempt to obtain the report. However, she was unsuccessful so she informed him of the incident verbally.

A second ICIB interview of Appellant took place on April 7, 2008. The District Attorney's office asked Sgt. Sully to conduct the second interview because it was believed Appellant was evasive, or had intentionally omitted facts about the assault. Appellant was present with her attorney, Elizabeth Gibbons, who confirmed Appellant had been granted immunity and could not be prosecuted for any crime as a result of statements made during the interview.

Sgt. Sully indicated Appellant was being viewed as a witness to the assault, not as a participant. During that interview, she again confirmed she never got out of her automobile at [redacted] residence, and was never involved in attempting to break up the fight. [redacted] was with her when she left the location. (Ex. 41)

When she appeared at the grand jury proceedings on September 19, 2008, Appellant would not answer any questions posed to her. Instead, she repeatedly stated she was asserting her rights under the Fifth Amendment on the advice of her attorney. She was instructed to appear before Judge Peter Espinoza for a hearing on the matter. (Ex. 62)

Appellant was granted immunity from criminal prosecution and returned to the grand jury proceedings on September 22, 2008 where she provided her testimony under oath. She confirmed she attended two social gatherings the day of the incident. She stated she followed Richards' automobile as they drove to [redacted] residence. She testified Richards was not speeding and did not go through any stop signs. After Richards arrived at [redacted] residence, he parked his automobile in front of her

house and walked to Appellant's automobile. She did not see anyone else exist his automobile, and did not see anyone else on the street.

When Richards got to her automobile, he told her [redacted] and Titel had an argument and Titel was going home with him. [redacted] was to go with Appellant to her residence. Once [redacted] entered her automobile, Richards told her he would call her and then he walked toward [redacted] automobile. Appellant did not recall whether [redacted] needed assistance getting to or into her automobile. She did not notice if there were people in the street and denied she heard any loud noises when she was in her automobile. She was at the location only a few minutes. She did not recall seeing [redacted] truck at the location.

After she left, she had to stop in a residential area because [redacted] began to vomit out of her passenger door. It took her about 20 to 25 minutes to clean it up. Appellant then drove to a Circle K store because [redacted] wanted to purchase cigarettes. Both of them entered the store, the purchase was made, they left, and Appellant drove home. Appellant stated [redacted] was able to exit the automobile and walk into Appellant's residence unassisted. Richards and Titel arrived at her residence about 30 minutes later. She was told they were in a fight and she told them to report the matter to their supervisor. She stated she was given very few facts about the assault by Richards or Titel.

Appellant was interviewed by Sgt. Carlos Flores on November 16, 2009 for Respondent's IAB investigation. She had previously been provided with transcripts of her ICIB interview and her testimony at the grand jury proceeding. Appellant told Sgt. Flores she gave truthful answers to the questions posed to her in both instances. She also declined the opportunity to change or modify those answers. (Ex. 75, p. 5) During that interview, Appellant repeated her previous statements and testimony that she did not get out of the car at [redacted] location. The answers she gave during that interview were consistent with what she previously stated at the ICIB interview and at the grand jury session.

Appellant was reminded she did not mention [redacted] vomited and that she had to take time to clean it up before reaching the Circle K during either of her ICIB interviews. Appellant said she forgot. (Ex. 75, p. 25)

Appellant testified at the appeal hearing on March 31, 2011 and continued to deny she was present during the assault. She also testified about the circumstances involved in the signing of her waiver. On November 26, 2008, she had a conversation with Captain Maxwell where he asked her to sign a waiver form. She understood from him if she signed the waiver she would remain a witness. If she refused to sign it, she would become a subject of the ICIB and IAB investigations. (Tran. 3-31-11, p. 116-117) She signed the waiver on November 26, 2008. Appellant stated before she signed it she asked Captain Maxwell if she could contact her attorney. His response was, "You know how attorneys are. She'll just convince you not to sign it." She signed the document in his office.

Appellant stated she did not fully understand what she was waiving at that time. (Tran, 3-31-11, p. 119) She signed it because he was not only her supervisor, he was also a personal friend. She felt he was giving her the right advice when he asked her to sign the waiver form.

She did not discuss the waiver with her attorney, Elizabeth Gibbons, until approximately one month later. At that time Ms. Gibbons told Appellant she would handle it. Appellant did not take steps to rescind the waiver, and was not aware if Ms. Gibbons did so.

Appellant understood she became a subject on October 1, 2009, about a year after she signed the waiver. That day she was called to the office of Lt. Scroggin who was present with Lt. Johnson. They notified her she was the subject of an investigation and was being relieved of duty.

During her IAB interview conducted on November 16, 2009 by Sgt. Flores, Appellant repeated the same version of the facts given during her previous interviews and during her grand jury testimony. (Ex. 75)

With regard to [redacted] version of the events, Appellant confirmed at the appeal hearing she did not know [redacted] well before the incident took place, and knew of no reason why [redacted] would lie about [redacted] and Appellant holding her back when she attempted to help [redacted] and that Appellant had been present during the altercation.

Appellant was served with the notice of intent to discipline her on April 8, 2010, and was served with the notice of discharge on May 4, 2010. Her discharge was effective May 6, 2010. (Ex. 3)

**John Powell**

Mr. Powell is with the Sheriff's Technical Operations Bureau. He was asked to obtain the security video from the Circle K store for the date of June 24, 2007. Using his own equipment, he was able to record the information from the store's video. He noted the time shown on the current day's video was accurate. He, therefore, concluded the time shown on the video for June 24th would have also been accurate.

The first 911 call received by the dispatcher was received at 1:06 a.m. on June 24, 2007. The San Dimas deputies arrived at the location at 1:09 a.m. Appellant and [redacted] are seen on the store surveillance camera entering the store at 1:18 a.m. ICIB investigators drove the one-mile route from [redacted] residence to the store in two minutes and 35 seconds.

**Sgt. Jose Bolanos**

Sgt. Bolanos was working at the San Dimas Sheriff's Station at the time of the incident and was briefly at the location where the fight took place. He testified he later received a call from a female sergeant who identified herself as the Watch Commander at the Norwalk Station. She called him to request a copy of the incident report prepared by the San Dimas patrol deputies. She told him she wanted to know the extent of the involvement of Richards and Titel. Sgt. Bolanos thought her reason for the request was unusual. He did not understand why a Norwalk Watch Commander would have anything to do with an incident that occurred off-duty in the City of San Dimas. (Ex. 51)

During his interview by Sgt. Sully on July 3, 2007, Sgt. Bolanos recalled Appellant told him she wanted the report because she knew the deputies involved in the incident, that she had been with them that day, and she was worried that [redacted] might say something about her. Sgt. Bolanos did not provide Appellant with that report. (Ex. 76)

[redacted]

Mr. [redacted] is a neighbor of [redacted] who was interviewed about the incident. He indicated he was awakened at 1:00 a.m. on June 24th when he heard screaming and loud noises. He could not see the source of the noise from his own bedroom window, so he walked into his [redacted] bedroom. From the window in that room, he saw a male kicking someone who was lying on the ground. He called 911

to report what was taking place. He walked outside and saw his neighbor, [redacted] screaming and crying. He then saw someone walking out of a door and then a group of people standing in front of [redacted] The automobile was a small SUV. Mr. [redacted] saw a man yell obscenities at [redacted] then the patrol vehicle arrived. He also indicated " there were people standing there watching this dude get kicked." (Ex. 34, p. 7) The only one he heard screaming was [redacted] He recalled seeing only [redacted] near [redacted] while he was lying on the ground.

During his grand jury testimony, Mr. [redacted] stated that in addition to the male he saw lying on the ground, he also saw another male and a female at the scene. (Ex. 44, p. 22) He also stated he saw [redacted] but no other females during the incident. He also did not see [redacted] throw herself on top of [redacted] (Ex. 44, p. 30) He did state by the time he looked out of his [redacted] window it appeared the fight was over. (Ex. 44, p. 37)

[redacted]

[redacted] and [redacted] were neighbors who lived together near [redacted] residence. They knew [redacted] Titel, and [redacted] Their bedroom window overlooks the parking area where the incident took place. They woke up when they heard loud noises, yelling, and screaming. They saw four people pushing, shouting and fighting. They saw a female in front of Titel pushing him back, but it was not [redacted] [redacted] was lying on top of somebody who was on the ground. (Ex. 35, p. 5) Mr. [redacted] indicated the other woman was restraining Titel, throwing herself on him. That woman had long, dark brown hair. (Ex. 35, p. 7) He saw [redacted] and a second female. (Ex. 35, p. 11) The other woman was yelling at everyone, something to the effect of "break it up." She was holding people back and getting people out of the way. . (Ex. 35, p. 15) Mr. [redacted] recalled seeing [redacted] lying down on top of Paige. The second woman seemed to be trying to break up the fight, as well. (Ex. 25, p. 16) The transcript of his 911 call indicated he saw two males fist fighting and females trying to break it up. (Ex. 24, p. 4)

[redacted] also testified at the grand jury proceedings that there were two females at the scene of the fight. One of the females pulled Titel away and pushed him back toward the house. (Ex. 45, p. 46)

He confirmed that female was not his neighbor, [redacted] He described her as a "Hispanic lady." (Ex. 45, p. 47) She was yelling at Titel, "Stop, stop it, leave him alone, stop it" as she tried to pull him back. (Ex. 45, p. 48)

Mr. [redacted] also described [redacted] lying on [redacted] while he was on the ground. She then ran to his front door yelling and asking them to call 911. She was yelling, "Call 911. They're going to kill him." (Ex. 45, p. 49) Moments later, he walked to where [redacted] was lying on the ground. He testified [redacted] had been beaten severely. There was blood all over the place, he was bleeding out of his mouth and his eyes and nose were bloody. (Ex. 45, p. 53)

He saw the other female with Titel and Richards after the deputies responding to the 911 call had arrived. (Ex. 45, p. 55) When shown photographs, he was able to identify Titel, Richards and the Hispanic woman. (Ex. 45, p. 59)

During his testimony at the appeal hearing on January 7, 2011, Mr. [redacted] confirmed he saw a Hispanic female present during the fight. There were a total of five persons involved in the altercation. (Tran. 1-7-11, p. 15) He recognized his neighbor [redacted] Titel and [redacted] as being present. When the first patrol vehicle arrived, the Hispanic woman was still present. Mr. [redacted] could see she was holding Titel back. (Tran. 1-7-11, p. 25) He recalled her hair was dark and was worn loose. He did not recall seeing a third female.

[redacted]

Ms. [redacted] was Mr. [redacted] and also witnessed the incident. She could see that someone was being assaulted and recognized her neighbor, [redacted] She also recalled a woman standing by a parked automobile on the side of the street. (Ex. 46, p. 72) Ms. [redacted] described that woman's automobile as small white Honda Civic, or something similar to that type of automobile. (Ex. 46, p. 76) The woman was described as approximately 5'7" or 5'8" tall, with dark, medium length hair. (Ex. 46, p. 77)

[redacted]

Ms. [redacted] is a neighbor of [redacted] who also observed the incident. At about 1:00 a.m. her [redacted] woke her and she went to his bedroom window when she heard people fighting and girls

telling someone to stop. (Ex. 50, p. 115) She did not recall how many women were present, it "could be two or three." (p. 116) Her [redacted] called 911 and she returned to her own bedroom.

During her testimony at the appeal hearing, she stated there were four or five persons at the location of the altercation, and she recalled there were females present, but did not know exactly how many there were. (Tran. 1-7-11, p. 78)

[redacted]

Mr. [redacted] is Ms. [redacted] and he testified at the grand jury that he was awakened on the morning of the incident by women screaming, "Stop, stop fighting," and men punching and yelling. He heard two women. (Ex. 49, pp. 100-101) He looked out a window and saw two women who were close to a car. (p. 101) He saw two men fighting. He could recall one woman had hair that was "a blondish color," but could not recall the hair color of the other woman. (p. 104) He no longer observed the fight after he called 911. He did look out his window again when he heard sirens. He saw deputies speaking to people outside, but the women were no longer present. (p. 107)

The transcript of his 911 call on June 24, 2007 contained his statements that there were two men beating up another man and two girls trying to get them to stop. He indicated he thought there were five people involved in the fight. (Ex. 24, p. 1) He also reported the girls were yelling for the men to stop the fight. The girls were scared and yelling. (Ex. 24, p. 2) At the appeal hearing he recalled hearing more than one person shouting for help, and he believed they were female voices. (Tran. 1-7-11, p. 67) He did not actually see any female at the scene, only males. He estimated he was looking out of his window about 40 seconds or less, at which point he and [redacted] called 911.

**Deputy Judd Tucker**

Deputy Tucker was one of the deputies who responded to the 911 calls regarding the incident. He was interviewed by Sgt. Sully on June 27, 2007 for the ICIB investigation. Deputy Tucker confirmed he received the radio call about the incident at around 1:00 a.m. on June 24, 2007. He arrived at [redacted] residence about two or three minutes after receipt of the radio call. At the scene he saw [redacted] comforting [redacted] who was lying in the street. Titel came up to the deputy and identified

himself as a deputy and the other person involved in the fight. [redacted] said she was not present when the fight took place.

The report prepared by Deputy Tucker indicated [redacted] provoked the attack on Titel. [redacted] had to be restrained on the ground until help arrived.

**Deputy Jaime Rivera**

Deputy Rivera was the second deputy who arrived at the location. His radio dispatch log indicated he received the call at 1:07 a.m. and he arrived at 1:09 a.m. (Ex. 24) His field sergeant, Sgt. Jose Bolanos, arrived at the location that night, and another deputy arrived, but did not stay. When he arrived, he saw [redacted] lying face down on the sidewalk with a small puddle of blood under his face. He saw Titel and Richards standing nearby. Titel told Deputy Rivera [redacted] unexpectedly attacked him and he and Richards threw [redacted] to the ground. Deputy Rivera referred to Titel as the victim and Richards as a witness in his crime report. He considered [redacted] the suspect.

Deputy Rivera saw that [redacted] was nearby crying. When he asked her what happened, she said, "I don't know what happened." "I wasn't here." "I just heard a commotion and walked over and I saw my [redacted] on the floor." (Ex. 37, p. 9) She then informed him she was a [redacted] and had [redacted] and did not want to lose her job.

During his grand jury testimony, Deputy Rivera testified Titel, Richards, and [redacted] were the only persons at the scene who identified themselves as deputies. Appellant and [redacted] were not at the scene while he and Deputy Tucker were at the location. (Ex. 58)

**Sgt. James Sully**

Sgt. Sully conducted the ICIB investigation of Titel and Richards for possible criminal conduct. ICIB does investigations of employees where criminal conduct may have taken place. He began the investigation just prior to June 27, 2007. He learned from his interview of [redacted] that [redacted] and Appellant were also present during the altercation. He also interviewed [redacted] neighbors, some of whom relayed to him that there were several women at the scene. He was also informed of an inquiry to the San Dimas Station about the incident by a person who identified herself as the Watch Commander from the Norwalk Station.

He spoke to [redacted] and the neighbors who claimed they either heard or saw the altercation. He confirmed they were able to see the incident from their respective homes.

Sgt. Sully interviewed Appellant and [redacted] during his investigation. The District Attorney's office asked that a second interview be conducted because it was believed they did witness the altercation. Sgt. Sully was asked to offer them immunity from criminal prosecution. The District Attorney's office was not concerned the women were criminally culpable. Appellant told him she left before the altercation took place, but did not indicate she stopped at a Circle K store on her way home. Sgt. Sully did discover a videotape of Appellant and [redacted] at a Circle K store that is about one mile from [redacted] residence. It took him two minutes and 47 seconds to drive from [redacted] residence to the store. (Ex. 27, p. 14) He knew the first 911 call was received at 1:06 a.m. and that Appellant and [redacted] were shown on the store video tape at 1:18 a.m.

**Captain Patrick Maxwell**

Captain Maxwell was Appellant's superior at the Norwalk Station. He recalled shortly after the incident Appellant verbally informed him her [redacted] a deputy, was involved in a fight while off-duty. She told him she was not present during the fight. Captain Maxwell testified he did not need to see an incident report since his employees were not involved in it. He never asked her to obtain that incident report. If Appellant had witnessed the assault by off-duty deputies she did have a responsibility to write him a memorandum with the facts of the incident.

Within several weeks of the incident Sgt. Sully came to him with his concern that Appellant had been at the scene during the fight. There was no further investigation of that issue undertaken by his staff in 2007.

In November 2008, he received a telephone call from Captain Karyn Mannis of the Internal Affairs Bureau indicating she wanted to make Appellant a subject of an IAB investigation. Captain Mannis indicated the criminal case was not completed and there was a concern about the time running out. (Tran. 4-13-11, p. 48) The administrative investigation would not proceed until the criminal investigation was completed. Appellant had not been a focus of the criminal investigation. However, Captain Maxwell testified that Sgt. Sully informed him "You know, one of your sergeants is lying in this."

He was referring to the information he obtained during the ICIB criminal investigation. Although Captain Maxwell was not aware of all of the facts in that investigation, he knew IAB wanted to make Appellant a subject during the course of that investigation, but the statute of limitations one-year period was "running out." (Tran4-13-11, p. 60)

Captain Maxwell understood Appellant would be a subject for false statements, a matter that would remain on her record even if unfounded. He asked Captain Mannis what else could be done without making Appellant a subject. Captain Mannis suggested Appellant be presented with a waiver of the one-year statutory period.

He met with Appellant on November 26, 2008 to present her with the waiver. He explained to Appellant she had two options. She would either have to be named as a subject at that time, or she could sign the waiver waiving her right for one year and "just see how the investigation proceeded." (Tran. 12-2-10, p. 166) He did not assure Appellant she would not become a subject even if she signed the waiver. The Captain denied he advised her not to contact her attorney. He testified he did suggest she call someone at the Professional Peace Officers Association to discuss it with them. (Tran. 12-2-10, p. 167) Appellant signed the waiver and he forwarded it to Captain Mannis. He asked Lt. Scroggin to review the file and to give him his opinion of the case. Lt. Scroggin's memorandum to him was dated September 21, 2009.

After his review of the investigation materials from the ICIB and IAB units, and the grand jury, he concluded Appellant was present during the fight and there were several policy violations relating to false statements and her attempt to obtain the report from the Norwalk Station. His decision to make her a subject of an IAB investigation was made between the period of September 21, 2009 and October 2, 2009, the date she was relieved of duty.

The Captain believed his recommendation to Chief Laing that Appellant be discharged was justified. He believed even a suspension for false statements would present a Brady issue in the future. Of more concern were her false statements during her grand jury testimony.

**Sgt. Carlos Flores**

Sgt. Flores is an IAB investigator who interviewed Appellant when it was believed she was not truthful in her grand jury testimony regarding her presence during the altercation. (Tran. 12-2-10, p. 124) He was assigned that investigation on October 1, 2009. He reviewed the ICIB investigation that included the grand jury transcripts. He was also aware Appellant made repeated requests for a copy of the incident report from the San Dimas Station. Appellant denied being present during the altercation when he interviewed her for the IAB report. (Ex. 1)

**Commander Karyn Mannis**

Captain Karyn Mannis was the Captain of the Internal Affairs Bureau at the time of the assault. She later was promoted to Commander. In her letter dated May 22, 2008 to attorney Elizabeth Gibbons she informed Ms. Gibbons the criminal investigation was presented to the District Attorney's office and that the administrative investigation surrounding the incident was tolled for all parties pursuant to Government Code Section 3304(d)(1) and (4). The administrative investigation would commence once the criminal matter was resolved. (Ex. 70)

Commander Mannis testified ICIB is not bound by Government Code section 3304. The tolling of the one-year statute of limitations applies only to administrative investigations.

Commander Mannis testified the waiver was sought from Appellant in November 2008 because the District Attorney's office had not yet decided whether to bring criminal charges against her for obstruction or for perjury. The IAB unit could not begin the administrative investigation until the criminal case was resolved and IAB could receive the sealed grand jury testimony. (Tran. 4-13-11, p. 25) The criminal case against Titel and Richards was not concluded until they were sentenced on April 23, 2009. That was the date the one-year statute of limitations began on Appellant's administrative case. Respondent had one year to complete its investigation and to serve Appellant with the letter of intent to impose discipline. (Tran. 4-13-11, p.33) Appellant's letter of intent was dated April 8, 2010. Appellant received it on April 10, 2010. (Ex. 2)

**Chief Thomas Laing**

Chief Thomas Laing is the Chief of Field Operations, Region III. He reviewed the IAB investigation report that included documents from the ICIB investigation and the grand jury. He testified it was initially believed Appellant was not present during the altercation; however, [redacted] statements placed Appellant at the scene during the incident, and it appeared her statements about Appellant were confirmed by the neighbors who heard and observed the incident. Chief Laing concluded Appellant had not been truthful in her statements.

Chief Laing also considered the allegation that Appellant improperly sought to obtain the incident report of the two deputies who responded to the 911 call. He did not understand why she would need to provide a copy of that report to her Captain when a memorandum to him with the details would have been sufficient. He considered it improper for a Sergeant at the Norwalk Station to obtain a copy of a pending investigation being conducted by the San Dimas Station.

In his role as Chief, he presented the facts of Appellant's conduct to a case review committee that included Undersheriff Larry Waldie and Assistant Sheriff Paul Tanaka. He recommendation Appellant be discharged. He also acted as the Skelly officer for Appellant's Skelly hearing. He testified that during that hearing Appellant was adamant she was not present during the altercation.

He stated he believed discharge was the only appropriate discipline. The credibility of a deputy sheriff is of the utmost importance in the community and government. Her integrity as a member of law enforcement is a significant factor in the public's trust. He also noted accuracy and truthfulness are important in court proceedings and in all of their conduct.

The Chief was questioned about the discipline imposed on three deputies identified for the appeal hearing as Deputy [redacted] Deputy [redacted] and Deputy [redacted] The Chief did not oversee the discipline of Deputy [redacted] but was involved in the discipline decisions of the remaining two deputies.

With regard to Deputy [redacted] the Chief testified the employee submitted a report in which he indicated he ran a warrant check on a vehicle and discovered there were several outstanding warrants for the driver. He stopped the vehicle and arrested the driver. Following his testimony at a court

proceeding involving that incident, the public defender was able to prove the deputy's statements in his report were not accurate and the case was dismissed.

An administrative investigation followed and once he was presented with the allegations and charges, Deputy [redacted] admitted he submitted a false criminal report and accepted responsibility for his actions. The discipline imposed was a suspension of 15 days. Chief Laing confirmed the deputy did not accept responsibility until confronted with the truth, and had intentionally lied under oath during the court proceeding involving that defendant. As an alternative to a monetary suspension, the deputy was required to attend a series of classes regarding decision-making, integrity, and other life skill courses in lieu of the 15-day suspension. That alternative would require eight full days of class that he would attend during work hours and he would receive his regular compensation.

The disciplinary case of Deputy [redacted] involved a suspension of 15 days when the deputy falsely reported he responded to a call for service. He received the call from his dispatch unit, and made it appear on his M.D.T. computer in his patrol vehicle that he handled the matter, when in fact he never went to the location. He did make an arrest for narcotics at the location where he had been situated. That arrest proceeded to court. His false statement on the terminal was revealed at the court proceeding and the case against the narcotics defendant was dismissed.

Deputy [redacted] not only falsified his report on the terminal, he also gave false testimony at the court proceeding. He was given a suspension of 15 days for the current conduct. Although he accepted responsibility for his conduct, he filed a grievance regarding the length of the suspension. During questioning, Chief Laing confirmed Deputy [redacted] had been with the department for about 20 years and discipline had been imposed in the past.

Chief Laing was questioned why Appellant should face discharge when Titel received a demotion and Richards received a suspension of 30 days, and the two previous deputies received 15-day suspensions for conduct very similar to that of Appellant. He replied that Deputies [redacted] and [redacted] did acknowledge their mistakes and lack of integrity, and accepted responsibility for their conduct.

In Appellant's case she was given many opportunities to give truthful statements, but continued to deny she was present at the altercation and denied she could provide any information during the

investigation that would clarify what actually took place. Although her denials regarding the assault incident were factors, Chief Laing also considered her attempts to obtain the San Dimas report improper. He concluded her discharge was justified.

**Lieutenant Douglas Fetteroll**

Lt. Fetteroll testified he was assigned to the Norwalk Station from September 2005 to April 2008. He testified Appellant's work ethic was excellent and she was a conscientious employee. The station's supervisors had only positive comments about her, and she had a good reputation.

**Lieutenant Alfred Reyes**

Lt. Reyes testified he worked with Appellant at the Norwalk Station since May 2006. He supervised her on occasion and observed her job performance. He considered her a dedicated employee who did an outstanding job in her assignments. She had a strong work ethic and an excellent reputation among her superiors.

## DISCUSSION

**June 24, 2007 Incident**

Respondent maintained Appellant's discharge was justified because of her conduct involving the incident on June 24, 2007 that resulted in her violations of the following provisions of Respondent's Manual of Policy and Procedures:

**Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations**

If requested to make a statement in the course of an official Department internal investigation, members shall make full, complete and truthful statements. Failure or refusal to make statements, or making false statements during investigations may result in disciplinary action. (Ex. 4)

The range of discipline available to Respondent for this violation was a suspension of 15 days to discharge. (Ex. 1., p. 7)

Respondent claimed Appellant violated this policy because on November 16, 2009 she made false statements to Internal Affairs investigators when she denied being present during a felony assault committed by off-duty deputies Brian Richards and Joshua Titel on June 24, 2007 in the City of [redacted]

**Section 3-01/040.85, Cooperation During Criminal Investigation**

Members have a duty to cooperate with investigators of the Department, or from other law enforcement agencies, who are conducting a criminal investigation. They shall make full, complete, and truthful statements except when such statements would violate the member's right against self-incrimination. Failure to cooperate may subject the member to administrative discipline. (Ex. 5)

The range of discipline available to Respondent for this violation was a suspension of 15 days to discharge. (Ex. 1, p. 8)

Respondent claimed Appellant violated this policy when she denied being present at the felony assault during ICIB interviews conducted on July 3, 2007 and April 7, 2008, and made the same false statements during her testimony, under oath, in the grand jury proceedings conducted on September 19, 2008.

**Section 3-01/040.90, Reporting Information**

A member shall promptly report to his immediate supervisor any information or incident coming to his attention that might indicate the need for Department action. (Ex. 6)

The range of discipline available to Respondent for this violation was a written reprimand to discharge. (Ex. 1, p. 8)

It was claimed Appellant violated this policy when she failed to report to the Department information regarding the felony assault incident committed by Deputies Richards and Titel.

**Section 3-01/050.10, Performance to Standards**

Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department. (Ex. 7)

The range of discipline available to Respondent for this violation was a written reprimand to discharge.

Appellant was said to have violated this provision when she failed to report her presence at the incident and did not report she witnessed the assault involving off-duty deputies; therefore, she did not meet the expectations of her position as a supervisor.

**Section 3-01/030.05, General Behavior**

A member shall not act or behave privately or officially in such a manner as to bring discredit upon himself/herself or the Department. (Ex. 8)

The range of discipline available to Respondent for this violation was a written reprimand to discharge.

It was claimed Appellant violated this provision by bringing discredit upon herself and Respondent when she provided false testimony, under oath, during the grand jury proceedings. Despite being given immunity from criminal prosecution, Appellant denied being present during the felony assault.

**Section 3-01/030.10, Obedience to Laws, Regulations and Orders**

Members who violate any rules, regulations, or polices of the Department shall be subject to disciplinary action. The commission or omission of any other act contrary to good order and discipline shall also be the subject of disciplinary action. (Ex. 9)

The range of discipline for this violation is a written reprimand to discharge. (Ex. 1, p. 8)

Respondent asserted Appellant violated this provision when, on September 19, 2008, she gave false testimony under oath at the grand jury denying she was present during the felony assault involving two off-duty deputies.

**Section 3-01/030.37, Unnecessary/Inappropriate Interference in an Investigation**

Department members shall not knowingly interfere or unnecessarily interject themselves beyond the scope of their responsibilities into any investigation or other matter that is the responsibility of another Department member, another Department unit, or another law enforcement agency. (Ex. 10)

The range of discipline for this violation is a three to five day suspension. (Ex. 1, p. 8)

It is claimed Appellant violated this provision when on June 25, 2007, as the Norwalk Station Watch Commander, tried four times to obtain a copy of the San Dimas Station complaint report of the felony assault, thereby interjecting herself in a matter that was not privy to Norwalk Station personnel.

The evidence in this case established that in the early morning of June 24, 2007 [redacted] was brutally beaten by deputies Richards and Titel. At one point, the deputies shoved [redacted] head against his truck with such force it made a dent on the truck. He was observed by neighbors lying motionless on the ground while being repeatedly struck and kicked until he lost consciousness. His injuries were so severe he remained off work for about six weeks.

On June 25, 2007, Appellant verbally reported to her superior, Captain Maxwell, that her [redacted] Richards, was involved in an off-duty altercation, but did not tell him she was present at the time. She repeatedly denied being present during the ICIB interviews that took place on July 3, 2007,

April 7, 2008, and during the IAB interview on November 16, 2009. She persisted in her denial while testifying under oath in the grand jury proceedings on September 19 and September 22, 2008, even after she was given immunity against criminal prosecution. She maintained her version of the facts during her testimony, under oath, in the Civil Service appeal hearing.

Neither [redacted] nor Richards testified at the appeal hearing to support Appellant's version of the facts. During his IAB interview, Titel indicated Appellant left the scene about one minute before the fight began. He did confirm he arrived at the location at about 1:00 a.m.

However, the testimony of [redacted] directly contradicts Appellant's claim she was not present. There does not appear to be any credible reason why [redacted] would be untruthful about that issue. According to Appellant, [redacted] was a casual acquaintance who had no negative experiences with her, either at work or off-duty. There was no evidence of any intentional bias against Appellant.

Moreover, the statements of several neighbors did confirm Goodman's account of the event should be believed. [redacted] placed the first 911 call in which he reported, "The two guys are beating up on one guy and two girls are trying to get them to stop." He thought there were five persons involved in the fight. He then tells the dispatcher, "Well, the girls are just yelling to stop..." "There's just two guys hitting each other and the girls are scared and yelling." (Ex. 24)

[redacted] told the ICIB investigator in late June or early July 2007 he saw a female in front of Titel pushing him back, but it was not his neighbor [redacted] He stated that woman was yelling, "Break it up." She was holding people back and getting people out of the way. He said that woman had long, dark brown hair. That statement is consistent with his 911 call when he answered affirmatively to the operator's question, "I have two males fist fighting and the females are trying to break it up? (Ex. 24)

At his grand jury testimony in September 2008, he confirmed he saw two females, one of whom was a Hispanic woman who was trying to get Titel to stop fighting. (Ex. 45, pp. 47, 48) Appellant is Hispanic and had long dark hair at the time of the incident.

[redacted] recognized her neighbor [redacted] at the fight, but also recalled seeing another woman who had dark, medium length hair. (Ex. 46, pp. 76, 77)

The statements by these witnesses that there was more than one female present during the actual assault of [redacted] are extremely credible evidence in that their observations were reported at the very time the incident was occurring. Those observations were then repeated to an investigator within a short period after the incident. They established [redacted] was not the only female present, and lend further support for [redacted] version of what took place.

There was also the issue of the Circle K videotape that showed Appellant with [redacted] in the store at 1:18 a.m. Titel confirmed they arrived at [redacted] residence at 1:00 a.m. Several neighbors also confirmed they were awakened by the noise at 1:00 a.m. According to [redacted] the fight began immediately upon their arrival. The first 911 call was received at 1:06 a.m. Based on the statements made to the 911 operator, the fight was already well in progress by 1:06 a.m. The first deputy arrived at 1:09 a.m. (Ex. 24) The fight was already over when they arrived.

It was determined the Circle K store was located about one mile from [redacted] residence and it took less than three minutes to drive that distance. Assuming Appellant did leave before the fight began, her departure time would have been well before 1:06 a.m. and her arrival at the store would have been well before 1:18 a.m.

Appellant offered the explanation that she took time to clean up [redacted] vomit before she arrived at the store. Unfortunately, [redacted] had no recollection of that although she appeared awake and alert while in the store, and the explanation was not provided to the investigators by Appellant until it became apparent it was information that did not support her version of the facts.

Another factor that was of concern to Respondent was that Appellant made several attempts to obtain the written incident report from the San Dimas Station. Respondent's witnesses confirmed there was no valid reason why Appellant should have a report generated by San Dimas deputies about an incident that did not take place within the jurisdiction of her Norwalk Station. She persisted with that request three or four times. It would appear she was genuinely concerned that she would be listed on the report in a manner that would confirm she was present during the fight.

Based on the above, Respondent's conclusion Appellant was present during the fight was substantiated by the evidence. Her repeated denial of her presence at the incident made to her own

superiors, investigators, and during grand jury testimony under oath, did establish her violations of Respondent's policies and procedures that formed the basis for her discharge.

**Statute of Limitations**

Appellant raised the affirmative defense that the charges of misconduct are barred pursuant to Government Code Section 3304(d) because she was served with notice of intended discipline more than one year after Respondent discovered her misconduct. The language of the provision specifically states no punitive action shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the misconduct is not completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegations. The code does list situations where the one-year period does not apply:

1. If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period.

2. If the public safety officer waives the one-year time period in writing, the time period shall be tolled for the period of time specified in the waiver.

3. If the investigation involves more than one employee and requires a reasonable extension.

Titel and Richards, not Appellant, were the subjects of the ICIB criminal investigation and the District Attorney's criminal prosecution. Respondent's witnesses confirmed Appellant was being viewed only as a witness to the incident. Thus, that exception would not toll the one-year period for an administrative case against Appellant.

However, Respondent's ICIB investigation did involve more than one employee. The language of the statute does not specify that all the employees must be the subject of an investigation. Captain Mannis relied on that provision of the code in her letter of May 22, 2008 to Appellant's attorney in which she indicated the administrative investigation regarding the incident would commence once the criminal matter was resolved. (Ex. 70). Titel and Richards were sentenced on April 23, 2009; therefore, ending their criminal case.

However, Captain Maxwell testified at the appeal hearing that he received a call from Captain Mannis in November 2008 during which she made it clear she wanted to make Appellant a subject of an IAB investigation and was concerned "the time was running out." It was clear to both Captain Maxwell and to Captain Mannis that Appellant was not a subject of the criminal investigation and the tolling of the one-year period would not apply to her conduct.

The provision that does allow for a tolling of the period where more than one employee is involved would not be valid in this case. That provision states, "If the investigation involves more than one employee <u>and requires a reasonable extension</u>." There was no evidence in this case that a reasonable extension was necessary before Respondent could proceed with the administrative investigation.

Titel and Richards were indicted and arraigned by the District Attorney's office on September 30, 2008. By that date, Respondent already had sufficient evidence from [redacted] and the neighbors that Appellant was present during the fight and inappropriately attempted to obtain the crime report. By April 7, 2008, Respondent knew Appellant had two ICIB interviews during which she persisted in her claim she was not present at the scene. Shortly after September 22, 2008, Respondent knew Appellant was granted immunity during the grand jury proceedings and continued to make false statements while under oath.

By November 26, 2008, Captain Maxwell knew IAB wanted to make Appellant a subject of an administrative investigation for conduct already known to the department since September 22, 2008. Captain Maxwell was a person who could initiate the administrative investigation based on what was known to Respondent as of November 26, 2008. The one-year period would have expired on November 26, 2009. Captain Maxwell did not make Appellant a subject until ten months later, on October 1, 2009.

Captain Mannis testified at the appeal hearing that the waiver was sought from Appellant in November 2008 because the District Attorney's office had not yet decided whether to bring criminal charges against her for obstruction or for perjury. Appellant was never informed she was a subject of a criminal investigation either by Respondent or the District Attorney's office. Respondent failed to

provide any evidence at the appeal hearing that a reasonable extension of time was required pursuant to the code provision involving more than one employee.

However, Appellant signed a waiver of the one-year period on November 26, 2008. (Ex. 71) According to Appellant, Captain Maxwell discouraged her from having her attorney review it before she signed it. She claimed she did not fully understand what she was waiving at that time. What she did understand was that if she signed the waiver she would maintain the status of a witness in Respondent's investigations of the incident. If she did not sign the waiver, she would become a subject of the investigations at that time. She did discuss the waiver with her attorney one month later and was told her attorney "would handle it."

It should be noted that the waiver form specifies Appellant was only waiving the time during the pendency of the criminal adjudication of the Titel and Richards incident. That adjudication period ended when Titel and Richards were sentenced on April 23, 2009. Technically, the tolling ended on that same date and Respondent's one-year period for an administrative investigation of Appellant's conduct began on April 24, 2009. She received notification of the intent to discharge her on April 10, 2010; thus, Respondent did comply with the time period required under the code section based on Appellant's waiver. Although there may be some valid concerns of the way the waiver was presented to Appellant by someone she considered a personal friend; nonetheless, she understood she would avoid becoming a subject at that time.

**Level of Discipline**

Appellant presented information regarding several deputies who engaged in similar conduct as Appellant, but received very lenient discipline from Respondent. In both instances, the deputies made false statements on their official reports and logs, and then gave false testimony in court proceedings while under oath. The judges in both of those court cases ultimately dismissed the cases because of the lack of credibility of the deputies.

Deputy [redacted] received a suspension of 15 days that was served by his attendance at a series of classes during work hours with no loss of compensation. Deputy [redacted] also received a suspension of 15

days. Of note, in this case, Richards received a suspension of 30 days. Titel was demoted to a Custody Assistant and will have the opportunity to reapply for the position of Deputy Sheriff in the future.

Chief Laing pointed out that the employees in these cases all ultimately acknowledged their misconduct and accepted responsibility for their behavior. That was not the case with Appellant. She denied being present during the brutal beating of [redacted] by [redacted] Richards and Titel. She persisted in that denial with her superior, Captain Maxwell, during the department investigations of the incident, while testifying under oath during the grand jury proceedings, and even during her testimony, under oath, at the Civil Service appeal hearing.

## CONCLUSION

The evidence in this case did establish she was present and was fully aware of the conduct of her fellow deputies. She had a duty to be truthful about the incident. She was a long-term employee who was a supervisor at the time, and was highly regarded by her superiors. She had an excellent future with the department. Unfortunately, she showed very poor judgment in her persistent denials that led to her violations of Respondent's policies and procedures.

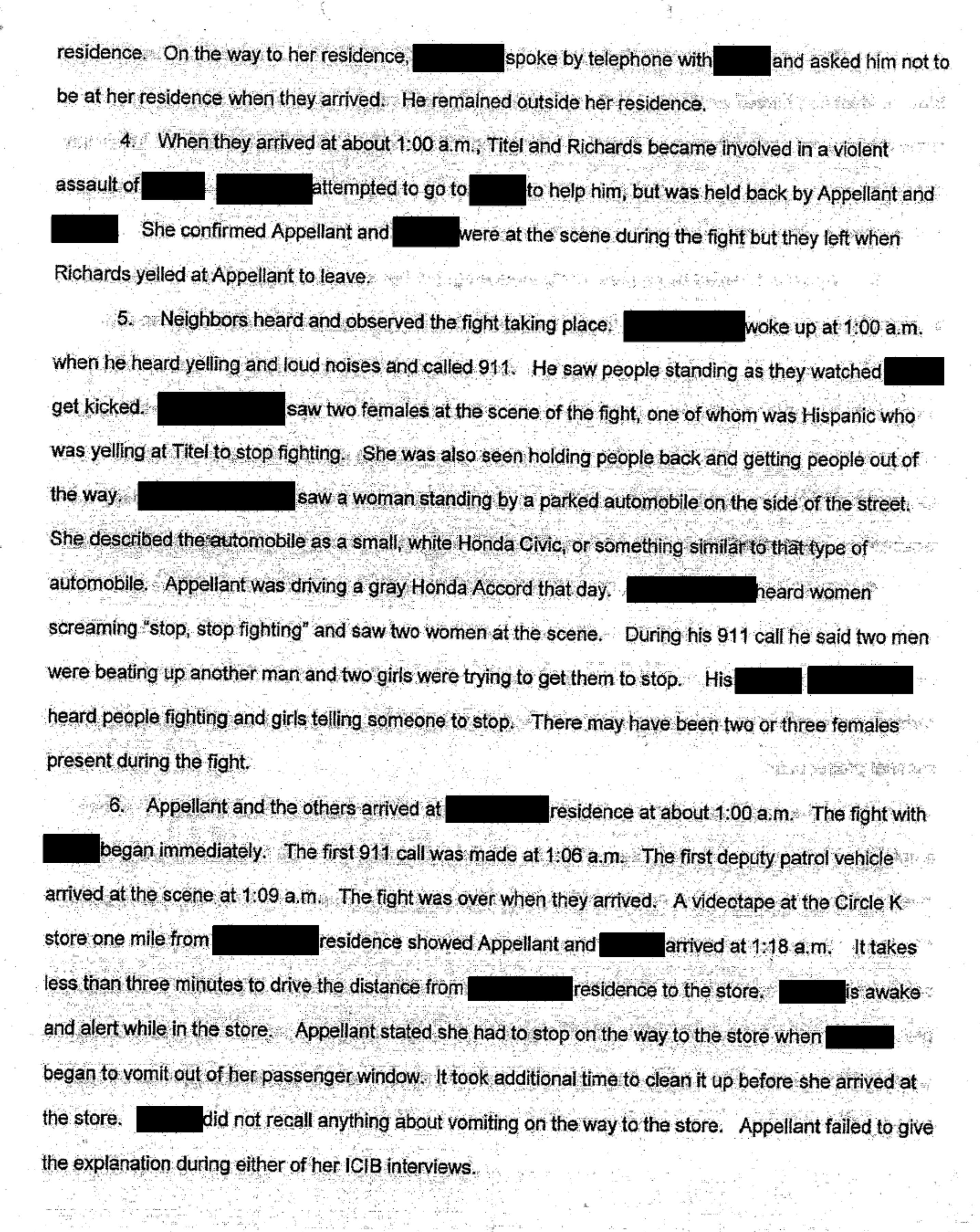
A significant factor in the decision to discharge her was the fact that as a law enforcement officer there would be an issue regarding her integrity and truthfulness. Respondent felt her misconduct discredited her and the department in the eyes of the public. It may be that initially Appellant was not truthful to avoid problems for [redacted] Richards. She was given numerous opportunities to tell the truth. Yet, her repeated failure to be truthful left Respondent no choice but to discharge her. Accordingly, her discharge should be sustained.

## FINDINGS OF FACT

1. Appellant was employed as a Sergeant at the Norwalk Station at the time of her discharge.

2. On June 23, 2007, Appellant attended two social gatherings with Richards, Titel, [redacted] and [redacted], all of whom were deputies. They all drank a number of alcoholic beverages at each gathering.

3. Shortly after midnight on June 24, 2007, Richards drove [redacted] automobile to her residence. Titel, [redacted] and [redacted] were his passengers. Appellant drove her own automobile to the



residence. On the way to her residence, [redacted] spoke by telephone with [redacted] and asked him not to be at her residence when they arrived. He remained outside her residence.

4. When they arrived at about 1:00 a.m., Titel and Richards became involved in a violent assault of [redacted] attempted to go to [redacted] to help him, but was held back by Appellant and [redacted] She confirmed Appellant and [redacted] were at the scene during the fight but they left when Richards yelled at Appellant to leave.

5. Neighbors heard and observed the fight taking place. [redacted] woke up at 1:00 a.m. when he heard yelling and loud noises and called 911. He saw people standing as they watched [redacted] get kicked. [redacted] saw two females at the scene of the fight, one of whom was Hispanic who was yelling at Titel to stop fighting. She was also seen holding people back and getting people out of the way. [redacted] saw a woman standing by a parked automobile on the side of the street. She described the automobile as a small, white Honda Civic, or something similar to that type of automobile. Appellant was driving a gray Honda Accord that day. [redacted] heard women screaming "stop, stop fighting" and saw two women at the scene. During his 911 call he said two men were beating up another man and two girls were trying to get them to stop. His [redacted] heard people fighting and girls telling someone to stop. There may have been two or three females present during the fight.

6. Appellant and the others arrived at [redacted] residence at about 1:00 a.m. The fight with [redacted] began immediately. The first 911 call was made at 1:06 a.m. The first deputy patrol vehicle arrived at the scene at 1:09 a.m. The fight was over when they arrived. A videotape at the Circle K store one mile from [redacted] residence showed Appellant and [redacted] arrived at 1:18 a.m. It takes less than three minutes to drive the distance from [redacted] residence to the store. [redacted] is awake and alert while in the store. Appellant stated she had to stop on the way to the store when [redacted] began to vomit out of her passenger window. It took additional time to clean it up before she arrived at the store. [redacted] did not recall anything about vomiting on the way to the store. Appellant failed to give the explanation during either of her ICIB interviews.

7. When Appellant went to work the morning of June 24, 2007, she contacted the San Dimas Station, identified herself as the Watch Commander, and made several attempts to obtain a copy of the crime report prepared by the patrol deputies. Respondent's policy prohibits employees from knowingly interfering or unnecessarily interjecting themselves beyond the scope of their responsibilities into any investigation or other matter of another department.

8. Appellant denied being present during the fight to her superior, Captain Patrick Maxwell. She also denied being present during the fight during two ICIB investigation interviews and an IAB investigation interview. Despite having been granted immunity from criminal prosecution, and while under oath, Appellant continued to deny she was present at the fight during her grand jury testimony. Respondent's policies prohibit the making of false statements during investigations, and require cooperation during criminal investigations that include grand jury proceedings. Respondent also requires the reporting of information when an incident takes place that may require department action.

9. Pursuant to Government Code Section 3304(d), Respondent had one year from the discovery of misconduct to complete its investigation and to serve Appellant with notice of intended discipline. Certain exceptions to the one-year period exist when the employee is the subject of a criminal investigation or criminal prosecution. Appellant was not the subject of a criminal investigation or criminal prosecution.

10. The one-year period can be tolled if Respondent's investigation involves more than one employee and requires a reasonable extension. Titel and Richards were the focus of Respondent's investigations. As of September 22, 2008, Respondent was aware Appellant was present during the altercation, that she attempted to obtain the crime report from the San Dimas Station, that she denied being present during IAB and ICIB investigation interviews into the incident, and that she denied being present during the fight while under oath during her testimony in the grand jury. In November 2008, Captain Maxwell was informed by Captain Mannis she wanted to make Appellant a subject of an IAB investigation.

11. Appellant signed a waiver to toll the one-year period on November 26, 2008. Titel and Richards were sentence on April 23, 2009. Appellant received notification of the intent to discharge her on April 10, 2010. Appellant's discharge was effective May 6, 2010.

## CONCLUSIONS OF LAW

1. Respondent met its burden of proof that Appellant's false statements about the fight violated its policies and procedures relating to false statements during internal investigations and cooperation during the criminal investigation by the District Attorney's office that brought discredit to the Sheriff's Department. Her failure to make a truthful report of the incident violated Respondent's policy regarding the reporting of information that also constituted a failure to perform her duties as a supervisor. Appellant's repeated attempts to obtain the San Dimas crime report violated the policy prohibiting her from unnecessarily interjecting herself beyond the scope of her responsibilities into a matter that was the responsibility of another unit.

2. Respondent met is burden of proof that Appellant's discharge was appropriate.

3. The allegations against Appellant contained in Respondent's letter of May 4, 2010 are not barred by the provisions of Government Code Section 3304(d).

## RECOMMENDATION

It is respectfully recommended that the Board of Commissioners sustain Appellant's discharge.

Date: July 18, 2011.

IRENE P. AYALA
Hearing Officer

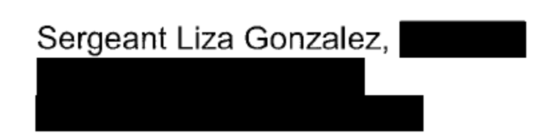


# County of Los Angeles
**Sheriff's Department Headquarters**
**4700 Ramona Boulevard**
**Monterey Park, California 91754-2169**



LEROY D. BACA, SHERIFF

May 4, 2010



Sergeant Liza Gonzalez, [redacted]
[redacted]

Dear Sergeant Gonzalez:

On April 8, 2010, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2201528. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Sergeant, Item No. 2717A, with this Department, effective as of the close of business on May 6, 2010.

An investigation under File Number IAB 2201528, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statement during Departmental Internal Investigation, on or about November 16, 2009, you made false statements to investigators conducting Internal Affairs Investigation Number IV 2201528 in which you denied being present during a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel on June 24, 2007, in the city of [redacted].

2. That in violation of Manual of Policy and Procedures Section 3-01/040.85, Cooperation During Criminal Investigation, on or about July 3, 2007 and April 7, 2008, you failed to cooperate with

investigators from the Internal Criminal Investigations Bureau (ICIB) when you made false statements in which you denied being present during a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel that occurred in the city of [redacted] on June 24, 2007. That assault was documented and investigated by ICIB under file number 407-00020-2003-441.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.85, Cooperation During Criminal Investigation, on or about September 19, 2008, you provided false testimony to The Grand Jury of the County of Los Angeles when you testified under oath that you were not present on [redacted] in the city of [redacted] during a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel on June 24, 2007.

4. That in violation of Manual of Policy and Procedures Section 3-01/040.90, Reporting Information, on or about June 24, 2007, you failed to report to the Department information regarding a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel on [redacted] in the city of [redacted] on June 24, 2007.

5. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, you failed to perform the expectations of a supervisor when you failed to report your presence at the location of a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel that occurred in the city of [redacted] on June 24, 2007, and did not report that you were a witness to a felony assault involving off-duty Department personnel.

6. That in violation of Manual of Policy and Procedures Section 3-01/030.05, General Behavior, on or about September 19, 2008, you brought discredit to yourself and the Sheriff's Department when you provided false testimony to The Grand Jury of the County of Los Angeles when you testified under oath that you were not present on [redacted] in the city of [redacted] during a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel on June 24, 2007.

7. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders, on or about September 19, 2008, you provided false testimony to The

Grand Jury of the County of Los Angeles when you testified under oath that you were not present on [redacted] in the city of [redacted] during a felony assault committed by off-duty Deputies Brian Richards and Joshua Titel on June 24, 2007, in violation of several Department policies.

8. That in violation of Manual of Policy and Procedures Section 3-01/030.37, Unnecessary/Inappropriate Interference in an Investigation, on or about June 25, 2007, you, as the Norwalk Station Watch Commander, tried four times to obtain a copy of San Dimas Station Complaint Report #107-03613-0813-144, interjecting yourself in a matter that was not privy to Norwalk Station personnel.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Larry L. Waldie

LARRY L. WALDIE
UNDERSHERIFF

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

LLW:RAA:KM:md

c: Advocacy Unit
Thomas M. Laing, Chief, Field Operations Region III
Patrick E. Maxwell, Captain, Norwalk Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration